



01/06/05

IFW  
DAC#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kejia Gao  
Title: Methods and Apparatus for Globalising Software  
Application No.: 09/778,987 Filing Date: February 7, 2001  
Examiner: Pierre, Myriam Group Art Unit: 2654  
Docket No.: EVER.002US0 Conf. No.: 2387

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF FRANKIE TSE IN SUPPORT OF MOTION TO REVIVE  
PATENT APPLICATION UNDER 35 U.S.C. § 41(a)(7) AND 37 C.F.R. § 1.137(b)**

Sir:

I, Frankie Tse, hereby declare as follows:

1. I am President and Managing Director of American International Data Center Limited ("AIDC"), a subsidiary of American International Assurance Company, Limited ("AIA"), and reside in Hong Kong. Everlasting Systems Ltd. ("ESL"), assignee of the above-referenced United States patent application, is a wholly owned subsidiary of AIA. AIA, in turn, is a subsidiary of American International Group, Inc. ("AIG").

2. For a period from before the filing of the above-referenced application until the present, I have been a Director of ESL with a responsibility to manage its patent matters. However, with a winding up of the business of a subsidiary of ESL in 2003, ESL then became a dormant company. It was decided in about August 2003 that expenses of ESL should be minimized, including abandonment of the above-referenced application in order not to incur any further costs. This decision was made prior to any action on the merits of the application by the USPTO, and long before it was known that expensive prosecution of the application would not be necessary in order to obtain its allowance. No action was taken in the USPTO to abandon the application.

Attorney Docket No.: EVER.002US0

Application No.: 09/778,987

- 1 -

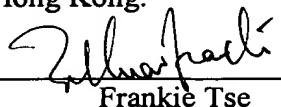
3. I am informed and believe that a Notice of Allowance was mailed August 11, 2004 in the above-referenced application as the first action on the application by the United States Patent and Trademark Office ("USPTO"). I am also informed from our patent attorney, Dr. Timothy Watkin of the Lloyd Wise firm in Singapore, and therefore believe, that he sent me a copy of the Notice of Allowance on about August 25, 2004. However, I have no recollection of receiving the Notice of Allowance, or even knowing about it, until after November 12, 2004, which is what I understand to have been the deadline date for paying the issue and publication fees. Inquires of my staff and a review of the file in the past few days has revealed no indication that we received the Notice of Allowance before November 12, 2004. I therefore did not have an opportunity to consider before November 12, 2004 whether it would be in ESL's interest to pay this fee, despite our earlier decision to abandon the application, since the amount of money necessary to obtain the patent is relatively modest, as a result of its allowance on the first action.

4. It was shortly after November 12, 2004, in response to an inquiry from the legal department of our parent company AIG as to the status of the above-referenced application, that the existence of the Notice of Allowance was brought to my attention. It was then decided that the fees should be paid and the patent issued.

5. The entire delay in paying the required fees from the due date of November 12, 2004 until the filing of a grantable petition pursuant to 37 C.F.R. § 137(b) was unintentional.

I declare that all statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the United States Patent and Trademark Office, knowingly and willfully makes false statements and the like are punishable by fine or imprisonment, or both, as set forth under 18 U.S.C. § 1001, and may jeopardize the validity of the above-identified application or any patent issuing thereon.

Executed on the 24<sup>th</sup> of December, 2004, in Hong Kong.

  
Frankie Tse

JAN 04 2005  
OFFICE

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kejia Gao  
Title: Methods and Apparatus for Globalising Software  
Application No.: 09/778,987 Filing Date: February 7, 2001  
Examiner: Pierre, Myriam Group Art Unit: 2654  
Docket No.: EVER.002US0 Conf. No.: 2387

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT LATE PAYMENT OF ISSUE FEE**

Sir:

This Petition is being filed under 37 C.F.R. § 1.137(b) for acceptance of the late payment of the Issue and Publication fees (pursuant to 35 U.S.C. §§ 151, 41(a)(7)) of the above-identified patent application on the ground that the failure to pay these fees by the deadline of November 12, 2004 was unintentional.

An accompanying Declaration of Frankie Tse points out that he was responsible for the patent matters of the assignee Everlasting System Ltd. ("ESL") of the above-identified patent application but that he did not receive and was not aware of the Notice of Allowance and Fee(s) Due until after the deadline of November 12, 2004. The delay in paying the Issue and Publication Fees resulted from this failure of communication.

Based upon the facts set forth in the accompanying Declaration, the entire delay in paying the Issue and Publication fees from the due date for reply (November 12, 2004) until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Accompanying this Petition is the completed USPTO form, Notice of Allowance and Fee(s) Due. The application is currently being assigned from ESL to its parent company, American International Group, Inc., pursuant to 37 C.F.R. §§ 3.81 and 3.11. A check in the amount of \$1,709.00 is being filed herewith for the Issue and Publication fees and 3 advance

Attorney Docket No.: EVER.002US0  
Express Mail No.: EV437669205US

Application No.: 09/778,987

copies. Please charge any additional amount for these fees, or credit any overpayment, to deposit account no. 502664. These constitute the required reply.

A check in the amount of \$1,500.00 is being filed herewith as the petition fee set forth in 37 C.F.R. § 1.17(m). Please charge any additional amount for this Petition, or credit any overpayment, to deposit account no. 502664.

An early favorable decision on this petition is solicited.

**EXPRESS MAIL  
LABEL NO:**

**EV437669205US**

Respectfully submitted,



January 4, 2005

Gerald P. Parsons

Date

Reg. No. 24,486

PARSONS HSUE & DE RUNTZ LLP  
655 Montgomery Street, Suite 1800  
San Francisco, CA 94111  
(415) 318-1160 (main)  
(415) 318-1163 (direct)  
(415) 693-0194 (fax)